IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8694 of 2004

Between:

M.K.Azad, S/o.Mohd. Ibrahim,
R/o.flat No.508, Gandhar Towers,
Mahdipatnam, Hyderabad.

..... PETITIONER

AND

1 Collector, Hyderabad Dist, Nampally, Hyderabad.
2 Mandal Revenue officer, Shaikpet Mandal, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of writ of mandmaus declaring the action of the Respondents in not receiving the application from the petitioner for regularisation of his premises No.8-2-601/G/1, situated at singadakunta, zehra nagar, Hyderabad, as illegal, arbitrary and null and void and consequently direct the Respondents to receive the application from the petitioner for the regularising his possession over the above premises and to follow the G.O.Ms.No.515 Revenue (Assignment-I) Department dt.19-4-2003, and pass.

For the Petitioner:MR.MOHD.ZIA-UL-HAQ -Advocate

For the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the Following :

ORDER:

The present writ petition is filed questioning the action of the respondents in not receiving the application from the petitioner for regularisation of premises bearing No. 8-2-601/G/1, Singadakunta, Zehranagar, Hyderabad.

The case of the petitioner is that he has purchased the subject house for a consideration, which was originally constructed on the Government land. It is stated that the Government has issued G.O.Ms.No.515 dated 19-4-2003 evolving a scheme to regularise the unauthorised possessions over the Government lands and constituted a committee in each district. That the Government has fixed the price of land equivalent to the basic value of Register as on October, 1995 payable in lumpsum or in instalments and it was also proposed to give a rebate of 25 % in case of payment being made in lumpsum. On the ground that the petitioner's application for regularisation was not entertained by the respondents, the present writ petition is filed.

Learned counsel for petitioner submitted that immediately on coming to know that the subject house was constructed on the government land, he has approached the respondents seeking regularisation of the same in terms of G.O.Ms.No.515 dated 19-4-2003 and respondents refused to entertain his application. It is also contended that the said Government order is still in existence and no time limit was prescribed

therein and petitioner is being deprived to avail the benefit extended under the said Government Order.

Learned Government Pleader for Revenue, on instructions submits that originally vide G.O.Ms.No.508 dated 20-10-1995 a time limit of 45 days was prescribed and thereafter by subsequent Government orders, the time was extended from time to time and finally the Government has issued G.O.Ms.No.525 dated 19-4-2003 prescribing certain guidelines in addition to the conditions mentioned in G.O.Ms.No.508 dated
20-10-1995 and the last date to apply for regularisation was fixed as
31-3-2004. It is further stated that ample opportunity was given to the encroachers of the Government land and applications for regularisation were received in Collector's office up to 31-3-2004 . It is further submitted that the petitioner has not filed his application within the prescribed time limit and no particulars were furnished as to on what date he has contacted the respondent authorities and offered to submit the application, which was said to be not entertained.

Heard learned counsel for petitioner and learned Government Pleader for Revenue and perused the material on record.

Though it is stated in the affidavit that the petitioner has contacted the respondents and sought to file application and the same was not entertained, no material was filed to substantiate the same. In the absence of material to show that the petitioner has filed the application before the cut off date, I see no reason to interfere in the matter. The writ petition fails and accordingly the same is dismissed. No costs.

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N.V.RAMANA,J

28/06/2004

TVK/DA

To

1 Collector, Hyderabad Dist, Nampally, Hyderabad.
2 Mandal Revenue officer, Shaikpet Mandal, Hyderabad.

3..2CCs to

4..2CD copies

*Form-NIC-OGS/WP{**JA**}*